

MINUTES

WARRICK COUNTY AREA BOARD OF ZONING APPEALS

Regular meeting held in the Commissioners Meeting Room,
Third Floor, Historic Courthouse,
Boonville, Indiana
April 25, 2016 at 6:00 P.M.

PLEDGE OF ALLEGIANCE: A moment of silence was held followed by the Pledge of Allegiance.

MEMBERS PRESENT: Jeff Valiant, Chairman; Tina Baxter, Doris Horn and Mike Moesner.

Also present were Morrie Doll, Attorney, Sherri Rector, Executive Director and Sheila Lacer, Staff.

MEMBERS ABSENT: Terry Dayvolt, Jeff Willis and Mike Winge.

Roll call was taken and a quorum declared present. The Executive Director stated that all four Board members will have to vote unanimously to either approve or deny any motion.

MINUTES: Upon a motion by Mike Moesner and seconded by Doris Horn the Minutes of the last regular meeting held March 28, 2016, were approved as circulated.

SPECIAL USES:

BZA-SU-16-07

APPLICANT: MSK Holdings, LLC, by Philip Rawley, Managing Member

OWNER: Glenn H. Allen Revocable Trust and Dolores L Allen Revocable Trust, by Glenn H. Allen Trustee

PREMISES AFFECTED: Property located on the East side of Epworth Road approximately 0 feet/mile N.E. of the intersection formed by Epworth Road and Warrick Trail in Ohio Twp. ~
Complete legal on file.

NATURE OF CASE: Applicant requests a Special Use (SU 9) from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for a hospital and associated facilities in a proposed "C-4" General Commercial zoning district. *Advertised in the Standard April 14, 2016.*

Marco DeLucio, Attorney and Glenn Allen were present.

The Chairman called for a staff report.

Mrs. Rector stated they have submitted all the return receipts from certified mail of notice of this meeting to the adjacent property owners except for David & Marylou Heisler and Summit Land

Development LLC. She said the post office website shows they have been delivered. She said the property is currently vacant and we have rezoning that will be heard by the Commissioners on May 9th taking the zoning from Agriculture to "C-4" General Commercial. She said any Special Use approval should be conditioned upon that rezoning approval. She added the property to the North is "C-4" and Agriculture and vacant; to the east is Agriculture and vacant; to the south is "C-4" and is St. Mary's Epworth Crossing; to the west is "C-4" being Colonial Garden Center and an oncology center, Agriculture & "R-1A" being vacant and residences. Mrs. Rector said the property lies mostly within an AE Flood zone and they will need to either fill the property and obtain a LOMA before construction or any building will require a certified plot plan certifying the first floor elevation of the building is at least 2 feet above the BFE. She said the property fronts on Epworth Road and Warrick Trail. She said when they do their plat they plan on dedicating 40' of right of way on the North for the Vann Road extension. She said they will need to obtain commercial driveways for all the entrances. Mrs. Rector said they came to a site review meeting to discuss this development and were told to file the rezoning, this Special Use and a primary plat. She said they will file the primary plat after the rezoning and special use has been approved. She added the County Engineer will require a traffic impact study and drainage plans will be required at the time the plat is submitted or prior to a permit being issued. She said they plan on a two lot subdivision; lot 2 will be for future development and according to the plot plan they plan on constructing a 200'x 200' hospital consisting of 48 beds. She said they are proposing three parking lots for visitors (561 spaces) and a staff parking lot (89 spaces). She said the plan they had at site review (also in your packets) show future hospital expansion, future in patient expansion, future outpatient clinics and future parking as well as a future development/expansion parcel. She said the plot plans are conceptual and the layout of the hospital and facilities may change some. She said this approval will be for the use but not the plan on file because the buildings may shift. She added any approval should be subject to the layout meeting all yard requirements as well as the traffic study and drainage plans. She said the applicants proposed use statement is *Subject property is to be used for a hospital and required parking. The hospital plan has not yet been finalized, but is currently anticipated to be a 4 story hospital for orthopedic healthcare services including 48 patient rooms and 10 operating rooms and associated facilities for diagnostic services (e.g. radiology and lab), physical and occupational therapy, pre-operative care, post-operative care, medical offices, consultation, education, dining, and employee and administrative services.* She said the application is in order.

Marco DeLucio said David and Marylou Heisler are present this evening so they have received their notice. He reiterated they are very early in their plans and this plot plan is conceptual. He said they have a lot of things to do along with the subdivision process as the plans become more firm in the future. He said there is a traffic impact study on going now. He said Phil Rawley is present this evening as well as Jim Farney with Lochmueller Group and they will answer any questions they have and they request approval of this application.

Mike Moesner asked what their projected time frame is.

Phil Rawley said right now they are pretty well complete with the design and have passed it off to the general contractors for estimates. He said they anticipate to turn dirt in July or August and anticipate a July, 2018 opening.

Mrs. Rector said she spoke to one of the general contractors the other day in the office and it was her understanding they plan on filling the property and getting the property removed from the flood plain prior to construction.

Mr. Rawley said that is correct and he said in reference to what they are looking at; they have other facilities they are planning around this and the design is shifting.

Ascertaining there were no other questions and being no remonstrators present, the Chairman called for a motion.

Doris Horn made a motion finding of fact be made as follows from the testimony and proposed use statement:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
4. The USE as developed will not adversely affect the surrounding area.
5. Adequate and appropriate facilities will be provided for proper operation of the USE.
6. The specific site is appropriate for the USE.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
2. Subject to all public utility easements and facilities in place.
3. Subject to an Improvement Location permit being obtained with all structures meeting setback requirements.
4. Subject to any required Building Permit.
5. Subject to a commercial driveway(s) being obtained.
6. Subject to any required drainage plans.
7. Subject to any required subdivision plat.

8. Subject to a traffic impact study.

9. Subject to the rezoning petition being approved by County Commissioners.

The motion was seconded by Mike Moesner and unanimously carried

Mrs. Rector said they look forward to the facility being constructed and the approval will be ready on Wednesday and she will bring it to Attorney DeLucio at the May 9th Commissioners meeting.

ATTORNEY BUSINESS:

None.

EXECUTIVE DIRECTOR BUSINESS:

None.

Being no further meeting the meeting adjourned at 6:20 p.m.

Jeff Valiant, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of the said Board at their monthly meeting held April 25, 2016.

Sherri Rector, Executive Director